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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-fifth session

SUMMARY RECORD OF THE SECOND PART (PUBLIC)* OF THE 1363rd MEETING

Held at the Palais des Nations, Geneva,
on Monday, 23 August 1999, at 12.20 p.m.

Chairman: Mr. ABOUL-NASR

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* The summary record of the first part (closed) of the meeting appears as document CERD/C/SR.1363.

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The public part of the meeting was called to order at 12.20 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 4) (continued)

Draft concluding observations concerning the tenth to thirteenth periodic reports of Haiti (continued) (CERD/C/55/Misc.26/Rev.3, future CERD/C/...)

1. The CHAIRMAN recalled that the Committee had adopted the draft concluding observations contained in document CERD/C/55/Misc.26/Rev.3 with the exception of paragraph 15, a revised draft of which had just been circulated.

2. Mr. RECHETOV (Country Rapporteur) said that, in the revised paragraph 15, the former words "limitations" and "enshrined" had been amended to "restrictions" and "enumerated" respectively. He hoped that the revised text could be adopted by consensus.

3. Paragraph 15 was adopted.

4. The draft concluding observations concerning the tenth to thirteenth periodic reports of Haiti as a whole, as amended, were adopted.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 2) (continued)

Draft general recommendation concerning demographic information (CERD/C/55/Misc.34/Rev.1)

5. The CHAIRMAN, recalling that the draft general recommendation prepared by Mr. Diaconu (CERD/C/55/Misc.34/Rev.1) had already been discussed briefly at a previous session, invited Mr. Diaconu to provide further explanations.

6. Mr. DIACONU explained that the purpose of the recommendation was simply to encourage States parties to provide more comprehensive and better information on the demographic composition of their countries.

7. The CHAIRMAN, pointing out that such information was regularly requested of reporting States when their periodic reports were considered, questioned the need for a general recommendation on the subject. He further drew attention to the additional burden that would be placed on some States - small African countries being a case in point - by requiring them to provide detailed statistics on their often complex ethnic make-up.

8. Mr. DIACONU explained that the draft general recommendation was intended to draw States parties' attention to what was indeed a regular request to reporting States. It was not asking States parties that did not normally collect such data to begin to do so, each State being free to convey such information as it was authorized to collect by virtue of its own legislation. Drawing attention to paragraphs 2 and 3 of the draft, he said that it was addressed rather, to those States - many of them European States - that were

in a position to comply with the requirements under the Convention but whose data were either incomplete, inconsistent or selective with regard to population groups, or otherwise not in conformity with the Convention's provisions. It was noticeable that the presentation of data by many States parties was improving with each successive periodic report, and not necessarily on the basis of census data strictly speaking: Uruguay was a recent example.

9. The CHAIRMAN, speaking as a member of the Committee, questioned the novel idea of self-identification with a particular group or minority. He further expressed misgivings about entering into minority, ethnic or religious issues involving many different and confusing standards or acceptations in different parts of the world, quoting the example of how Turks and Muslims were registered in Eastern Europe.

10. Mr. DIACONU stressed the recognized importance of personal choice in determining membership of a group or community. On the subject of Eastern Europe, census-takers were increasingly careful to avoid recording "Muslim" as an ethnic group. Lastly, although he had mentioned a selective approach by some European States, in particular, the recommendation was intended for all reporting States, some of which had thus far provided no demographic breakdown at all. He recalled how important such information was for the Committee to be able to fulfil its task.

11. Mr. GARVALOV said that, in principle, he supported the draft general recommendation proposed by Mr. Diaconu. He recalled that guidelines drafted by the United Nations Commission on Population and Development on census methodology had postulated 28 categories, 25 of which had been deemed obligatory but 3 - religion, mother tongue and affiliation to an ethnic group - treated as optional. In putting forward such a recommendation, however, it was important not to disregard situations that might be peculiar to a State party - such as that in Bulgaria, where there were some citizens of Bulgarian origin and mother tongue but of the Muslim faith, which they felt did not warrant their being deemed an ethnic minority. And there were sometimes external pressures on a group within a State to assert its separateness. Moreover, the recommendation would not resolve the sort of difficulty stemming from a State party's contention that its territory contained no ethnic minorities when the facts showed otherwise.

12. Mr. RECHETOV said that the draft recommendation commendably sought to tackle a very real inconsistency in the way States parties responded to requests for information. One example was to be seen in the periodic report of Germany, in which Danes and Sorbs were recognized as minorities but groups such as Turks and Roma were virtually unmentioned.

13. The CHAIRMAN stressed the need to maintain a global rather than simply a European perspective and to keep in mind that concern for minorities was not the whole issue, since in some countries discrimination was exercised by a minority against the majority.

14. Mr. van BOVEN agreed that the doubtless important issue raised in the draft recommendation should be approached with care. One difficulty was that the term "minorities" did not appear in the Convention and had not been referred to in any previous general recommendations. Although the concept had been explicitly raised in the context of the Council of Europe's Framework Convention for the Protection of National Minorities, difficulties could still arise, such as possible confusion in cases of indigenous peoples, many of whom were opposed to being deemed minorities.

15. Mr. YUTZIS said he agreed about the need for caution, especially since the issue of minorities was not, strictly speaking, a matter covered by the Convention.

16. Following a suggestion by Mr. Diaconu, the CHAIRMAN proposed that the text should be subjected to some informal redrafting before being tabled for consideration paragraph by paragraph.

17. It was so agreed.

The meeting rose at 1 p.m.